

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
v.)	No. 3:08-CR-175
)	Judges Phillips/Shirley
CLARK ALAN ROBERTS, and)	
SEAN EDWARD HOWLEY)	
)	
Defendants.)	

UNITED STATES' OPPOSITION TO
DEFENDANT ROBERTS' MOTION TO EXCLUDE STATEMENTS OF CO-DEFENDANT,
OR, IN THE ALTERNATIVE, FOR SEVERANCE

The United States of America, by and through James R. Dedrick, United States Attorney for the Eastern District of Tennessee, respectfully submits this response in opposition to the Defendant Roberts' Motion to Exclude Statements of Co-Defendant and Any Testimonial Statements of Non-Testifying Individuals from Any Joint Trial, or, in the Alternative, for Severance. [Doc. 36]

Currently, the United States does not anticipate offering at trial any confessions by non-testifying co-defendants or co-conspirators which would be in conflict with Defendant's right to confrontation as more fully analyzed in *Bruton v. United States*, 391 U.S. 123 (1968). Nor does the United States anticipate offering into evidence at trial any testimonial hearsay statements by a non-testifying person.

Wherefore, the United States does not anticipate any problems expressed in Defendant's motion and deems Defendant's motion moot.

Respectfully submitted this 5th day of June, 2009.

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S/ Thomas Dougherty

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2009, a copy of the foregoing UNITED STATES' OPPOSITION TO DEFENDANT ROBERTS' MOTION TO EXCLUDE STATEMENTS OF CO-DEFENDANT, OR, IN THE ALTERNATIVE, FOR SEVERANCE was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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